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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,033	02/04/2004	Brian Moon	1251.185	5698
7590	06/06/2006		EXAMINER	
Michael A. Slavin, Esq. McHale & Slavin, P.A. 2855 PGA Boulevard Palm Beach Gardens, FL 33410				AYRES, TIMOTHY MICHAEL
		ART UNIT	PAPER NUMBER	3637

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/773,033	MOON ET AL.	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/04/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This office action vacates the action mailed on 2/24/06 since that action was incomplete. A rejection to claim 10 is now included herein. The time will restart on the mailing of this action.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spring tabs as mentioned in claims 5, 12, and 14 located on the locking posts of the top panel, bottom panel and the drawer glides must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5 ,12, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The spring tabs are not shown with enough detail so that one of ordinary skill in the art can ascertain how they are constructed and connected to the apertures.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In the description of the top and bottom panel "a left side panel" (line 11, 21) and "a right side panel" (line 13, 23) are recited in both, it is unclear if it is the same left panel and right panel associated with the top and bottom panels. On page 2 of claim 1 a left side panel and a right side panel is described, it is unclear if this is the same left and

right side panel that are previously referenced in the description of the top and bottom panels.

7. On page 3 of claim 1, lines 4 and 6 recite "a plurality of Drawer glides", it is unclear if they are referring to the same plurality of drawer glides.
8. On page 3 of claim 1, lines 10 and 14 recite "at least one drawer", it is unclear if they are referring to the same at least one drawer.

#### ***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1, 2, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 4,193,649 to Sharon. Hsu teaches a plastic cabinet that can have drawers as seen in figure 11. The cabinet is made up of a base panel (1), top panel (5), left side panel (2), right side panel (3), and back panel (4). The top and bottom panels (1,5) connect to the side and back panels (2,3,4) with a means for attaching (11, 12 ,51, 21,25,41,42,31,35). The means for

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attaching (11, 12, 51, 21, 25, 41, 42, 31, 35) is posts (35, 42, 25, 21, 31, 41) on the side and back panels (2, 3, 4) that have integrally formed spring tabs (A') that communicate with locking sockets (11, 12, 51) in the base and top panels (1, 5) as seen in figure 1 and 7 below.

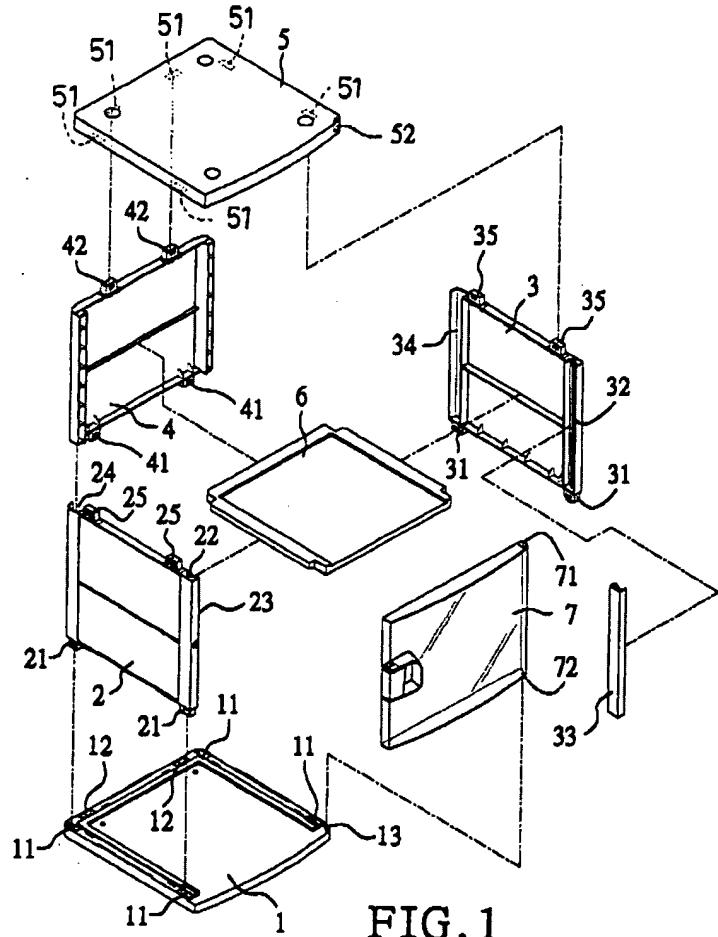


FIG. 1

Hsu '759 Figure 1

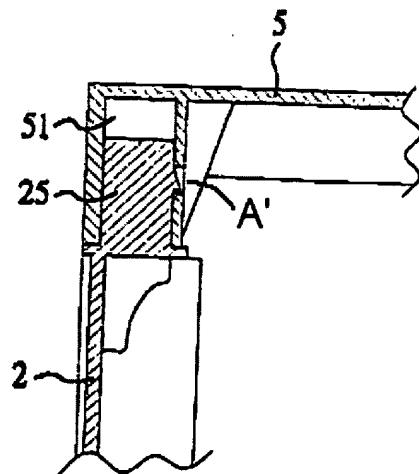


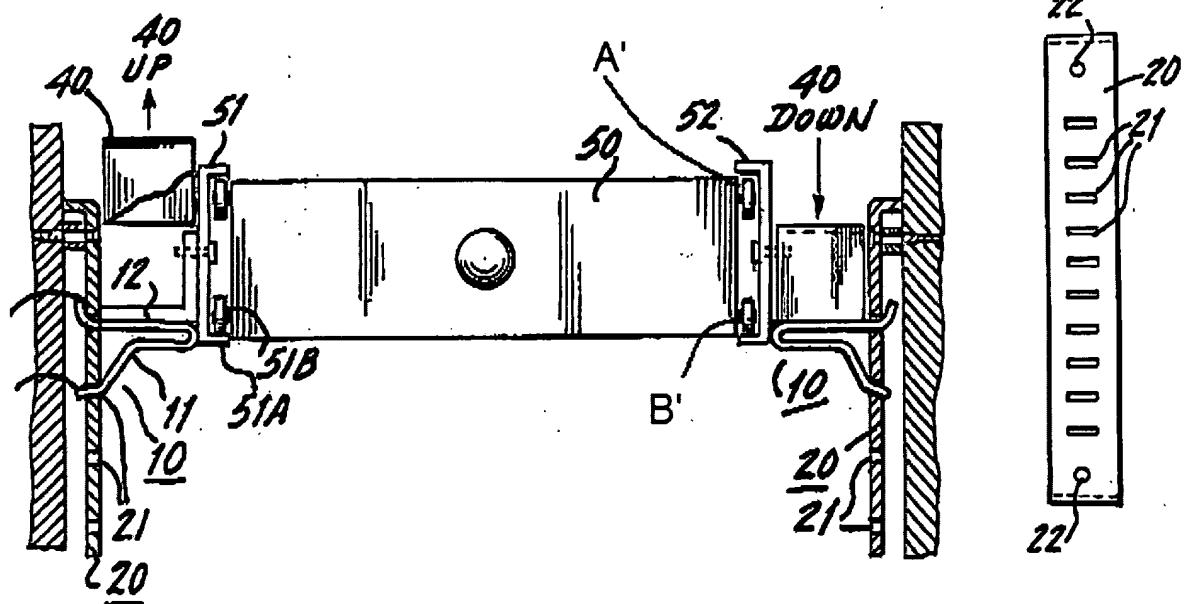
FIG. 7

Hsu '759 Figure 7

12. Hsu does not expressly disclose the locking posts on the top and bottom panels, a plurality of guides that fit in to apertures formed in vertical rails, a combination of various sized drawers, and the drawer with upper and lower rollers. Sharon teaches

drawer glide system that includes drawer glides (51, 52) that have clips (10) to insert into apertures (21) on a vertical rail (20). This system allows for different sized drawers to be used in the cabinet. (Col. 1, lines 39-44). The drawer has an upper and lower roller (A', B') to engage with the drawer glide (51, 52). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of Hsu by adding the vertical rails and drawer glide structure as taught by Sharon to allow for adjustable drawers (Sharon '649, Col. 1, lines 39-44)

13. Hsu in view of Sharon discloses the claimed invention except the posts are on the side and back panels and the sockets are on the top and bottom panels. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the posts extend from the top and bottom panels and have the sockets on the side and back panels, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.



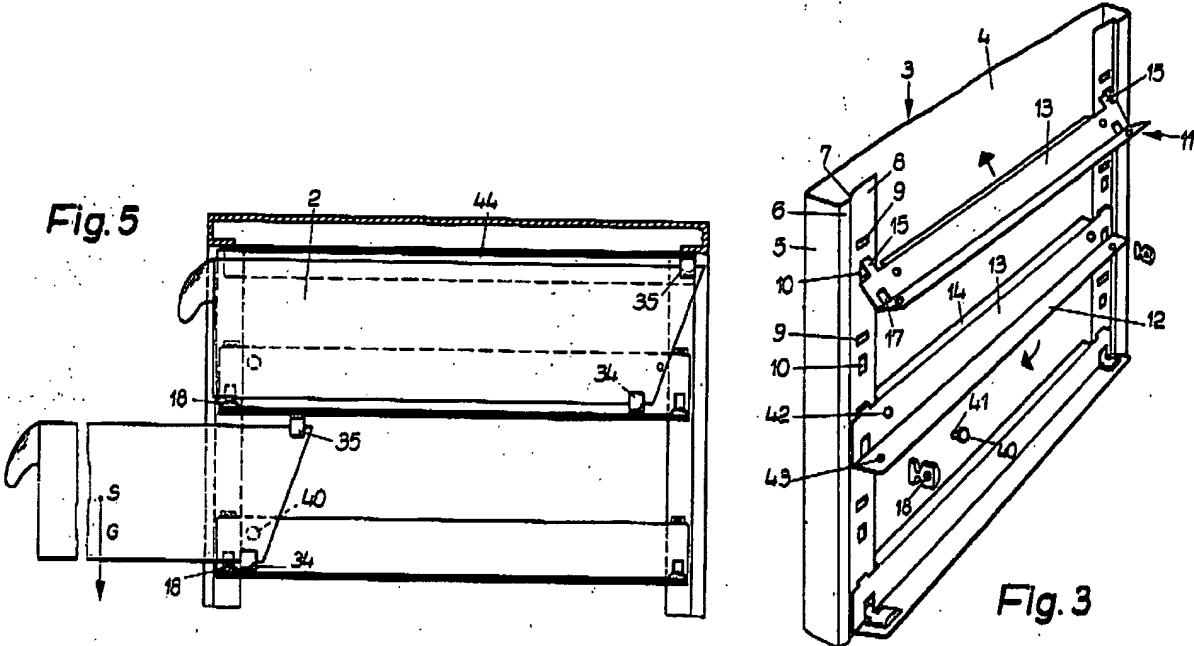
Sharon '649 Figure 4

Sharon '649 Figure 2

14. Claims 1-8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 3,572,874 to Hassel and US Patent 6,193,340 to Schenker. Hsu teaches a plastic cabinet that can have drawers as seen in figure 11. The cabinet is made up of a base panel (1), top panel (5), left side panel (2), right side panel (3), and back panel (4). The top and bottom panels (1,5) connect to the side and back panels (2,3,4) with a means for attaching (11, 12 ,51, 21,25,41,42,31,35). The means for attaching (11, 12 ,51, 21,25,41,42,31,35) is posts (35, 42, 25, 21, 31, 41) on the side and back panels (2,3,4) that have integrally formed spring tabs (A') that communicate with locking sockets (11,12, 51) in the base and top panels (1, 5) as seen in figure 1 and 7 above.

15. Hsu does not expressly disclose drawer glides with locking posts to fit into apertures in integrally formed vertical rails, the drawer glides being L-shaped with the posts extending from the vertical leg of the drawer glide, an integrally formed spring tab on the locking posts of the drawer glide, a roller rotateably mounted on the front portion of the horizontal leg of the drawer glide, detents and stop tabs formed on drawer glides, rollers formed on the upper and lower portions of the rear of the drawer in pockets, and a integrally formed cross bracing in the bottom panel.

16. Hassel teaches a cabinet (1) with drawers (2). The drawer glides (11) are mounted with locking posts (16,15) that have a conjugate shape and extend through apertures (9) in integral vertical rail (8) that are formed on the side wall (3). The drawer glides (11) are L-shaped with a vertical leg (13) and horizontal leg (12). The drawers (2) have slides (34,35) and the rear portion of the drawer (2). A locking member (18) extends through an opening (17) in the vertical leg (13) of the drawer glide (11) and an aperture (10) on the vertical rail (8) to secure the drawer glide (11) in place. The upper slides (35) contact the bottom of the drawer glide (11) that is above the drawer (2) and the lower slides (34) on the drawer (2) contact a drawer glide (11) that is relatively level with the drawer (2).



Hassel '874 Figure 5

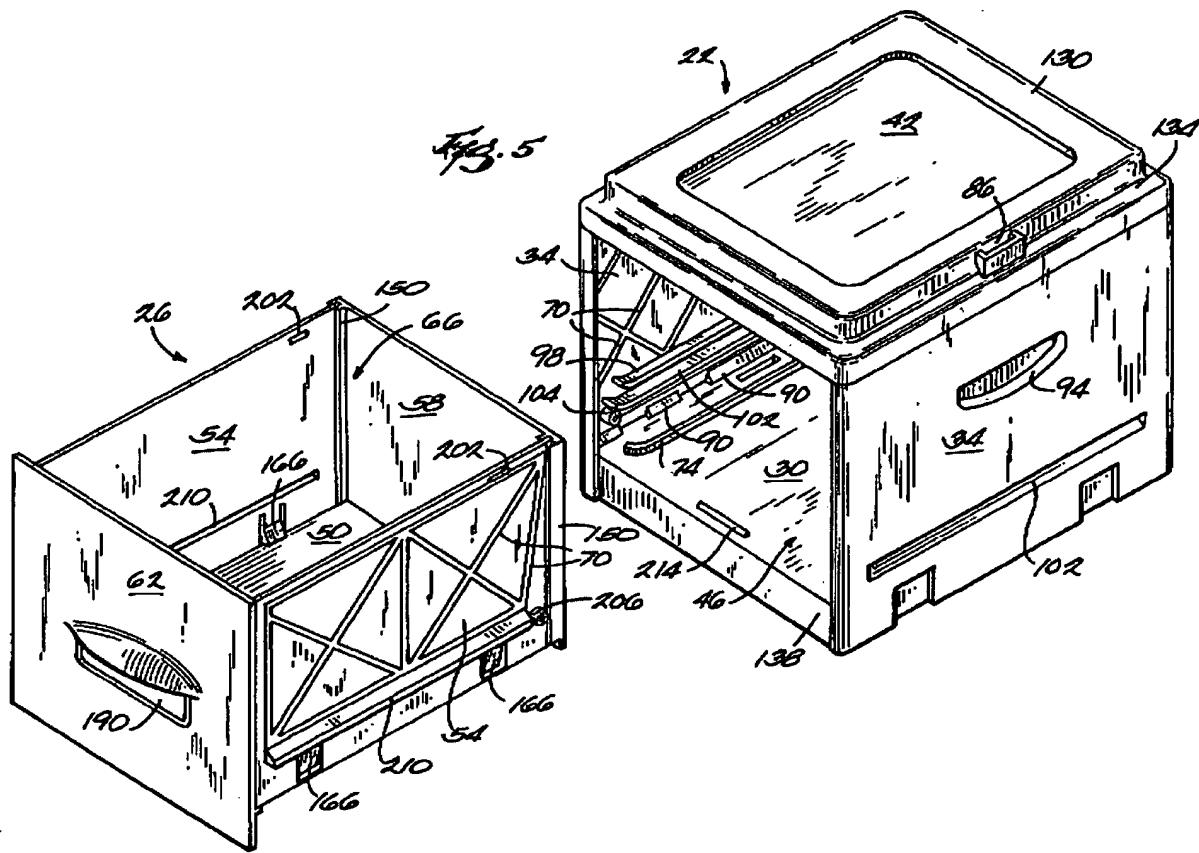
Hassel '874 Figure 3

17. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of Hsu by having the drawer slide assembly as taught by Hassel so that the drawer glides can be attached to the cabinet quicker and easier (Hassel '874, Col. 1, lines 10-14).

18. Hsu in view of Hassel does not disclose expressly an integrally formed spring tab on the locking posts of the drawer glide, a roller rotatably mounted on the front portion of the horizontal leg of the drawer glide, detents and stop tabs formed on drawer glides, rollers formed on the upper and lower portions of the rear of the drawer in pockets, and a integrally formed cross bracing in the bottom panel.

19. Schenker teaches a plastic drawer cabinet (10) that has rollers (206) integral connected to the side (54) of the drawer to allow the drawer (26) to slide easier. A roller

(104) is integrally formed at the front portion of the drawer glide (102) to allow the bottom of a portion (210) of the drawer (26) to slide upon the roller (104). Cross braces (70) are formed in the sidewalls (54) of the drawer (26) to help strengthen it.



Schenker '340 Figure 5

20. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer cabinet of Hsu in view of Hassel by replacing the slides with rollers, adding a roller to the front portion of the drawer glide as taught by

Schenker since rollers are well known to reduce friction and are commonly used on drawers.

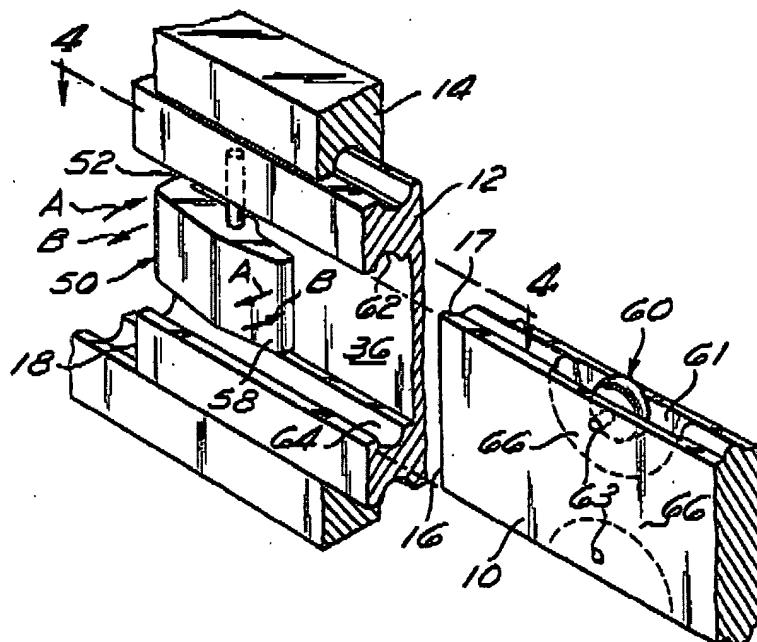
21. Regarding claim 5, Hsu in view of Hassel and Schenker does not expressly disclose a spring tab on the locking post of the drawer glide. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer cabinet of Hsu in view of Hassel and Schenker by have a spring tab on the locking post of the drawer glide since a locking member is already taught by Hassel and Hsu teaches locking post with integral formed spring tabs to couple with apertures.

22. Regarding claims 7 and 8, the office takes official notice that it is well known to use detent and stop tabs on drawer glides to secure and prevent movement of the drawer. Thus, at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer cabinet of Hsu in view of Hassel and Schenker by adding the detent and stop tab as claimed to prevent movement of the drawer.

23. Regarding claim 17, Hsu in view of Hassel and Schenker does not expressly disclose a corss brace located on the bottom panel. It would have been obvious for a person of ordinary skill in the art to use the teaching of Schenker's cross brace on the side panel and apply the same teaching of stiffening to the bottom panel of the cabinet drawer of Hsu in view of Hassel and Schenker.

24. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 3,572,874 to Hassel and US Patent

6,193,340 to Schenker as applied to claims 1, 3, and 6 above, and further in view of US Patent 4,872,734 to Rechberg. Hsu in view of Hassel and Schenker discloses every element as claimed and discussed above except the rollers positioned in integrally formed pockets. Rechberg teaches a drawer slide mechanism that uses rollers (60). The rollers (60) are mounted via a pin (63) in a pocket (61) formed on a slide member (10). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer cabinet of Hsu in view of Hassel and Schenker by forming a pocket in the upper and lower portion of sides of the drawer cabinet for the roller to sit as taught by Rechberg so that drawer promotes smooth, low-friction, noise-free movement (Rechberg '734, Col. 2, lines 5-10).



Rechberg '734 Figure 3

25. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 3,572,874 to Hassel and US Patent 6,193,340 to Schenker as applied to claims 1-8 and 17 above, and further in view of US Patent 4,288,137 to MacDonald. Hsu in view of Hassel and Schenker discloses every element as claimed and discussed above except a detent formed integrally in lower surface of the drawer member and is arranged to cooperate with the rollers rotatably mounted in the front portion of the drawer guides. MacDonald teaches a drawer in a cabinet. The drawer has guides (34) on the sides. A detent (48) is formed in the guide (34) to receive a roller (84) on the drawer glide (36). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer of Hsu in view of Hassel and Schenker by adding a detent on the bottom of the drawer to receive the roller of the cabinet slide as taught by MacDonald to serve as a stop for keeping the drawer closed (MacDonald, Col. 3, Lines 51-63).

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Zank, Youngs, Czarnecky, Nelson, Cohn, Tisbo, Sevey, Timmerman, Rock, Gil, Fanini, Vogt, Liu, Sun, and US Publications to Irizarry, Doerfler and Dorman all disclose drawer cabinet elements as claimed such as locking posts, vertical rails with apertures, cross braces, roller, and drawer glides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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